



NATIONAL NOTARY ASSOCIATION

January 19, 2007

To: Identity Theft Task Force

Re: Response to Federal Identity Theft Task Force's Request for Public Comment

Dear Members of the Federal Identity Theft Task Force,

This letter responds to the Federal Identity Theft Task Force's request for public comment regarding any one of its four major areas of concern:

- Keeping sensitive consumer data out of the hand of ID thieves;
- Making it more difficult for ID thieves to steal identities;
- Assisting victims in recovering from the crime; and,
- Deterring ID theft via aggressive prosecution.

Regarding the third goal of the Federal Identity Theft Task Force to "improve recovery and assistance for consumers following a breach or misuse of their information," we want to urge members of the Task Force to consider that one significant step toward this goal has been taken by States that have established Identity Theft Passport Programs. These programs enable local law enforcement offices to report identity theft victim data to an Attorney General's office, which can then provide enhanced support services directly to the victim.

These Programs are well underway in many states, largely in a "paper-based" form that is, admittedly, time consuming and difficult to administer. The authors of these comments urge the Task Force to consider the benefits of the completely electronic and web-based system that has been deployed in Ohio, Texas, and Nevada. The National Notary Association partnered with the Offices of Attorneys General in the States of Ohio, Texas, and Nevada to pioneer the use of biometric, web-based technology to assist victims recovering from ID theft, and, in turn, to provide local law enforcement offices and the AG's office a more solid foundation to provide victim recovery services.

The National Notary Association (NNA) has, for 5 years, helped Notaries assist victims of identity theft by completing notarized affidavits of identity, for example, or other notarized forms, using the NNA's Enjoa, or the Electronic Notary Journal of Notarial Acts. This software/hardware enables Notaries to capture biometric signatures, photographs, and fingerprints of persons requesting notarial acts, which provides a much more reliable method for Notaries and victims to later prove that they did indeed perform or request the notarial act in question. This biometric data provides solid evidentiary advantages for prosecutors, as well, who rely on Notaries to secure reliable identifying information of victims and anyone requesting a notarial act.

Two years ago, the Office of Attorney General of the State of Ohio requested the NNA's assistance to convert this same technology to a web-based system that could be quickly deployed to over 900 law enforcement offices in the State of Ohio...in 6 weeks! The NNA responded by

delivering just such a system, a demonstration of which is available online at:
<http://www.enjoapassport.org>

In just minutes, this web-based victim recovery tool enables local law enforcement offices to capture reliable biometric data about a victim as part of the filing of a police report. The data is transmitted instantly to an Attorney General's office for review. The Attorney General's office can perform background checks or other screenings of the applicant necessary to ensure that the victim is who they say they are. The Attorney General's office can then issue a Passport card that can be used as a secure credential to request and receive support services from the Attorney General's office to help the victim recover more quickly.

The Passport programs are designed to provide expedited services to victims reporting ID theft crimes to local law enforcement, thus accomplishing goals identified by the Federal Identity Theft Task Force as important issues concerning Victim Recovery services: namely,

- improved victim assistance – local law enforcement can report crimes directly and in minutes to the Attorney General's office using a simple web-based application, which gives law enforcement officers a powerful tool to assist victim where none existed before;
- making identity theft victims whole – the Attorney General's office can use the Passport Program to help victims recover and provide an instant and then ongoing sense of relief to these victims that someone is actually committed to helping them;
- providing a reliable credential in the form of a Passport card that victims can use to identify themselves as actual victims – credentials at the state level have proven helpful, though a credentialing system at the national level could provide a powerful benefit to victims, who could *independently maintain* the credential to present to any third party requesting proof of the theft and that they are who they say they are; as well, the Passport credential could easily be incorporated into another existing form of identification (such as a driver's license or US Passport) and updated when the victim had fully recovered and no longer needed victim recovery services;
- gathering valuable statistics regarding identity theft – the Passport application captures the victim's reported crime, as suggested by the Federal Trade Commission's identity theft crime categories; this data can be electronically and instantly transferred to the FTC or other reporting agencies for real time statistical tracking.

We urge the Commission to continue exploring the benefits of a national Passport Program, administered by the each State's Attorney General. These Programs have already assisted many victims and, if integrated into a comprehensive, national framework of recovery services, could continue to provide powerful tools to assist victims in the future.

Respectfully,



Timothy S. Reiniger
 Executive Director